

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TPI/FBa54937	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/001745	International filing date (<i>day/month/year</i>) 05.07.2004	Priority date (<i>day/month/year</i>) 04.07.2003
International Patent Classification (IPC) or national classification and IPC A21B3/13		
Applicant SEB SA		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-13 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-11 _____ received by this Authority on 19.04.2005 with letter of 08.04.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-11</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>7-9</u>	YES
		Claims <u>1-6, 8, 10, 11</u>	NO
	Industrial applicability (IA)	Claims <u>1-11</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	Reference is made to the following documents:		
	D2: US-A-4 076 207 (AUSTIN ET AL) 28 February 1978 (1978-02-28)		
	D3: US-A-2 843 038 (MANSPEAKER ROBERT O) 15 July 1958 (1958-07-15)		
	1. LACK OF INVENTIVE STEP		
	1.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).		
	1.2 D2, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):		
	a culinary preparation mould (10) including		
	- a concave flexible part (11) made of an elastomer, which has an upright side wall of which the upper end defines an opening and the lower portion is connected to the circumference of a material ring (22);		

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	<p data-bbox="418 354 1453 680">- and a rigid base reinforcement (13) inserted into the lower portion of the concave part (11) to occupy at least a portion of the base; said rigid reinforcement (13) is urged against the material ring (22) defining a wall, such that said ring (22) extends over the base of the concave part (11) and receives the rigid reinforcement (13).</p> <p data-bbox="302 751 1430 926">1.3 Consequently, the subject matter of claim 1 differs from this known mould in that the rigid base reinforcement takes the form of a base plate and said ring receives the base plate as a plate.</p> <p data-bbox="302 997 1430 1224">1.4 The problem that the present invention is intended to solve can therefore be considered to be that of finding an improved shape for the rigid base reinforcement, promoting the release of the culinary preparation from the mould.</p> <p data-bbox="302 1295 1414 1669">1.5 The solution proposed in claim 1 of the present application is not considered inventive (PCT Article 33(3)) for the following reasons: a rigid base plate for a concave mould is known (see for example D3). To a person skilled in the art seeking to solve the stated problem, including this base plate in the mould described in D2 is a routine design measure.</p> <p data-bbox="302 1740 724 1766">2. DEPENDENT CLAIMS</p> <p data-bbox="302 1837 1425 1915">2.1 In the light of the relevant documents cited in the international search report, dependent claims 2-6, 8,</p>

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>10 and 11 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of inventive step.</p>
2.2	<p>The combination of features of claims 7 and 9, which include an alternative solution for placing a base plate in a mould made of elastomer, is not found in the prior art and cannot be derived in an obvious manner therefrom.</p>
3.	<p>OTHER OBSERVATIONS</p>
3.1	<p>Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D2 has not been indicated in the description, nor has said document been cited.</p>